

Remarks

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing Amendment to the Claims, claims 1-29 are pending in the application, of which claims 1, 7, and 16 are independent. By the foregoing Amendment, claims 1, 3, 7, 8, 12, 16, and 18 are sought to be amended. Claims 28 and 29 are sought to be added. No new matter is embraced by this amendment and its entry is respectfully requested. Based on the above Amendment and the remarks set forth below, it is respectfully requested that the Examiner reconsider and withdraw all outstanding rejections.

Provisional Double Patenting

The Examiner, on page 2 of the Final Office Action, has rejected claims 1-21 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of Application No. 09/948,708. The Examiner has indicated that this is a provisional obviousness-type double patenting rejection because the conflicting claims have not yet been patented. Therefore, Applicants will submit a terminal disclaimer at a later date, if deemed necessary.

Rejection under 35 U.S.C. § 102

The Examiner, on page 3 of the Final Office Action, states that claims 1-3, 5-12, 14-18, and 20-21 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,546,416 to Kirsh. Applicants respectfully traverse this rejection. Based on the remarks set forth below, Applicants respectfully request that this rejection be reconsidered and withdrawn.

To anticipate a claim of a pending application, a single reference must disclose each and every element of the claimed invention. *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1397 (Fed. Cir. 1986). The exclusion of a claimed element from the single source is enough to negate anticipation by that reference. *Atlas Powder Co. v. E.I. du Pont de Nemours & Co.*, 750 F.2d 1569, 1574 (Fed. Cir. 1984).

With respect to independent claims 1, 7, and 16, the Examiner states that Kirsh teaches every element of these claims. Applicants respectfully disagree.

Contrary to the present invention, Kirsh does not teach or suggest every element of Applicants' invention. For example, referring to independent claims 1, 7, and 16, Kirsh does not teach or suggest at least the following claimed elements:

- determining social network data from the communications between the plurality of users and the user having the shared resource;
- determining an access level for each of the plurality of users based on the social network data; and
- configuring the access control list to provide each of the plurality of users the access level determined for accessing the shared resource.

Unlike the present invention, which teaches an access control list to access a shared resource in a social network, Kirsh teaches methods for blocking emails from spam email sources.

Thus, for at least these reasons, Applicants respectfully submit that Kirsh does not include each and every element of Applicants' claimed invention recited in independent claims 1, 7, and 16. Therefore, independent claims 1, 7, and 16, and the claims that depend therefrom (claims 2-6, 22-23 and new claim 28, claims 8-15 and 24-25, and claims 16-21, 26-27, and new claim 29, respectively), are patentable over Kirsh. Reconsideration and withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. § 103

The Examiner, on page 4 of the Final Office Action, has rejected claims 4, 13, and 19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,546,416 to Kirsh in view of U.S. Patent No. 6,044,466 to Anand *et al.* (hereinafter “Anand”). Applicants respectfully traverse this rejection. Based on the remarks set forth below, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Claims 4, 13, and 19 depend from independent claims 1, 7, and 16, respectively, which are patentable over Kirsh for at least the reasons stated above. Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection of dependent claim 4, 13, and 19.

The Examiner, on page 5 of the Final Office Action, has rejected claims 22, 24, and 26 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,546,416 to Kirsh in view of U.S. Patent No. 6,654,787 to Aronson *et al.* (hereinafter “Aronson”). Applicants respectfully traverse this rejection. Based on the remarks set forth below, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Claims 22, 24, and 26 depend from independent claims 1, 7, and 16, respectively, which are patentable over Kirsh for at least the reasons stated above. Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection of dependent claim 22, 24, and 26.

The Examiner, on page 6 of the Final Office Action, has rejected claims 23, 25, and 27 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,546,416 to Kirsh in view of U.S. Patent No. 6,654,787 to Aronson *et al.* (hereinafter "Aronson") in further view of U.S. Patent No. 6,711,570 to Goldberg *et al.* (hereinafter "Goldberg"). Applicants respectfully traverse this rejection. Based on the remarks set forth below, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Claims 23, 25, and 27 depend from independent claims 1, 7, and 16, respectively, which are patentable over Kirsh for at least the reasons stated above. Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection of dependent claim 23, 25, and 27.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all currently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

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